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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/635,973

Filing Date

August 7, 2003

First Named Inventor

William W. Hooper, Jr.

Art Unit

3673

Examiner Name

Alexander Grosz

Attorney Docket Number

BGASL 1018559

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/Incomplete Application

☐

Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board of Appeals and Interferences

☐

Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify below):

Response to Election Requirement
Return Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Gordon & Rees LLP

Signature

Katherine Proctor

Printed name

Katherine Proctor

Date

October 12, 2004

Reg. No.

31,468

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Date

10-12-04

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of
WILLIAM W. HOOPER, JR.
Serial No.: 10/635,973
Filed: August 7, 2003

FOR: BED FOUNDATION
Group Art Unit: 3673

RESPONSE TO ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

Attention: Alexander Grosz
Examiner

Dear Sir:

This is in response to the Office Action dated September 24, 2004. The Examiner has issued a restriction requirement indicating that election must be made of the species of Figures 1-4, 8 and 9, the species of Figures 5 to 9, or the specie/s of Figures 10-12. By this Response, Applicant elects the species of Figures 1-4, 8 and 9 for examination.

I, Beverly Erdman, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on

10.12.04

Beverly Erdman

Signature

Currently, claims 1, 12 to 14, 16, and 21 to 23 are generic, claims 2 and 15 are readable on the elected species only, and claims 5 to 11 are readable on the elected species as well as the non-elected species of Figures 5 to 9.

Claims 3 and 4 are readable on the non-elected species of Figures 5 to 9 only.

Claims 17 to 20 are readable on the non-elected species of Figures 10 to 12 only.

An action on the merits of claims 1, 2, 5 to 16 and 21 to 23, all readable on the elected species either alone or in addition to one or both of the remaining non-elected species, is hereby respectfully requested.

By this election, and in accordance with 37 C.F.R. § 1.142(b), the claims directed to the species of Figures 5 to 9 and Figures 10 to 12 alone are withdrawn. Applicants reserve the right to file Divisional applications on the claims of these species.

Respectfully submitted,

Dated: October 12, 2004

By: Katherine Proctor
Katherine Proctor
Agent for Applicant
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Docket No.: BGASL1029907